

CITY OF APOPKA

Minutes of the regular City Council meeting held on August 1, 2018, at 1:30 p.m., in the City of Apopka Council Chambers.

PRESENT: Mayor Bryan Nelson
Commissioner Doug Bankson
Commissioner Kyle Becker
Commissioner Alice Nolan
City Attorney Cliff Shepard
City Administrator Edward Bass

ABSENT: Commissioner Alexander Smith (excused)

PRESS PRESENT: John Peery - The Apopka Chief
Reggie Connell, The Apopka Voice

INVOCATION: - Mayor Nelson called on Pastor James Hicks, Center of Faith Church, who gave the invocation.

PLEDGE OF ALLEGIANCE: Mayor Nelson introduced Jessica Brevill, Apopka Youth Works, and incoming Junior at Wekiva High School, who led the Pledge of Allegiance. Jessica gave the following three history facts: 1) Francis Scott Key was an American lawyer and poet, famous for writing the lyrics for the U.S. National Anthem. He was born on August 1, 1779; 2) Samme Lee was the first Asian American to win the Olympic gold medal and the first man to ever win back-to-back gold medals in platform diving. He was born on August 1, 1920; and 3) Dr. Benjamin Elijah Mays is one of the most brilliant and influential Civil Rights Leaders in American History. Mays was not only the president of Morehouse College for 27 years but he was also the mentor of Dr. Martin Luther King, Jr. For these reasons, Dr. Mays is deserving of honor and dignity, born this day in 1894.

APPROVAL OF MINUTES:

1. City Council regular meeting July 18, 2018..

MOTION by Commissioner Nolan, and seconded by Commissioner Becker, to approve the minutes of July 18, 2018 as presented. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, and Nolan voting aye.

AGENDA REVIEW – City Administrator Bass advised there were no changes.

PUBLIC COMMENT; STAFF RECOGNITION AND ACKNOWLEDGEMENT

Employee Recognition:

- Ten Year Service Award - Andrew L. Brown – Fire/EMS. Andrew was not present and will be presented his award another time.

- Fifteen Year Service Award - Phil R. Hardy – Public Services/Fleet Management Equipment Mechanic. Phil was not present and will be presented his award at another time.
- Fifteen Year Service Award - David L. Whitty – Police/Support Services Code Enforcement Officer. The Commissioners joined Mayor Nelson in congratulating Dave on his years of service.
- Twenty Year Service Award - Brett E. Webster – Police/Field Services Police Officer. The Commissioners joined Mayor Nelson in congratulating Brett on his years of service.
- Thirty Year Service Award - Scott A. Bruehl – Fire/Suppression Firefighter Engineer. Scott was not present and will be presented his award at another time.

Presentations:

1. FBI presentation referencing Iberia bank attempted robbery.

Ron Hopper, FBI Assistant Special Agent in Charge, Orlando, spoke of the risks involved with the case regarding the attempted robbery of Iberia Bank, stating this was executed with such precision that those involved are being recognized. He stated they waited for this particular point to make sure they had the absolute best evidence to secure successful prosecution. He said the private sector involved in this were just as courageous as the men and women in law enforcement that helped execute this and this case was the perfect example of how community works with law enforcement. He affirmed this group was armed and violent as they robbed various establishments. The FBI Safe Streets Task Force conducted an investigation in collaboration with multiple agencies including the Apopka Police Department, Kissimmee Police Department, Orlando Police Department, Oviedo Police Department, The Florida Department of Law Enforcement, and the Sheriff's offices from Orange, Seminole, and Osceola Counties. He said when they determined Iberia Bank in Apopka was their next target, they worked with Iberia Bank who worked with the FBI and these agencies to develop a plan to stop these violent criminals while mitigating risks to the public and law enforcement officers. On December 7, 2017, investigators arrested the four subjects who were armed and wearing disguises as they attempted to make entry into Iberia Bank. He advised these subjects were taken into custody without incident, subsequently prosecuted by the U.S. Attorney's office, and sentenced. He called on Kevin Kaufman who was an award recipient, and Justin Crenshaw, Supervisor of the Safe Streets Task Force, who helped in handing out the awards to individuals from Apopka Police Department, Oviedo Police Department, Orlando Police Department, Orange County Sheriff's office, and Iberia Bank employees, Middle District of Florida U.S. Attorney's office, and FBI representatives of the Task Force in Orlando, in appreciation of their service.

Public Comment:

Dr. JoAnne Craig said she was here to introduce herself and inform the City that she was opening a charter stem school in Apopka. She stated this school will help the city grow, stating she has researched for three years what goes on in the City of Apopka with education. She has been in the field of education for almost 30 years. She said this school will open doors for students they never thought possible and will give them the opportunity to achieve locally and globally. She advised they are not a magnet school, but a full stem school. She has been working with Mr. Cooper for several months on the Cooper Sports Complex where they anticipate as the location for the new school. She stated they will be hiring, and affirmed that they already have a Principal who is

experienced in running a charter school. She said they want to build community partnerships. She is the CEO of the Central Florida Stem Academy. She said anyone interested can contact her at 609-477-1777. They will be placing application in February of this year and the school will not be slated to open until August of 2020.

CONSENT

1. Authorize funds from Law Enforcement Trust Funds to be donated to Apopka High School Academic Consortium of Scholars.
2. Authorize funds from Law Enforcement Trust Funds to be donated to Apopka High School to support local youth sports.
3. Authorize a donation from Law Enforcement Trust Funds to purchase an outdoor cinema system for public outreach programs.
4. Approve a Sewer and Water Capacity Agreement for Lakeside Phase I.
5. Approve emergency repairs to the Bradshaw Rd. Regional Lift Station #77.

MOTION by Commissioner Bankson, and seconded by Commissioner Becker, to approve five items on the Consent Agenda. Motion carried unanimously with Mayor Nelson and Commissioners Bankson, Becker, and Nolan voting aye.

BUSINESS

1. Approve the Sunday Fun Day event on September 2, 2018
Lorena Potter, Acting Recreation Director, presented the Sunday Fun Day event for September 2, 2018. She advised the City will either receive a refund from the prior fireworks vendor or event insurance.

MOTION by Commissioner Nolan, and seconded by Commissioner Bankson, to approve the Sunday Fun Day even on September 2, 2018, as presented. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, and Nolan voting aye.

2. Preliminary Development Plan – Fairfield Inn & Self-Storage - Project: Farish Enterprises, LLC
Location: 1616 East Semoran Boulevard
Jean Sanchez, Planner, reviewed the project for the Preliminary Development Plan for Fairfield Inn and Self-Storage. She reviewed the location south of Semoran Boulevard and west of Lake Pleasant Road on a map and the surrounding properties. She advised that approximately 10 acres will be developed into the parcel for the hotel and self-storage facility. Access will be off of Semoran Boulevard at McVilla Avenue, an existing private drive. Stormwater run-off and drainage will be maintained onsite with a retention pond with a 6-foot aluminum fence surrounding it. She advised that after the Planning Commission hearing on July 10, 2018, the applicant revised the proposed buffer from a 30' wide to a 35' wide landscape buffer on the eastern portion abutting residential districts. She reviewed the architectural renderings. The Planning Commission and DRC recommend approval. The recommendation is to approve the Fairfield Inn & Self-Storage Preliminary Development Plan.

Chris Blurton, Interplan, LLC, said in response to Commissioner Bankson's inquiring about the left turn, the shared driveway between the Racetrac and Aldi is a shared driveway that does

extend back to this property and it will be the left turn access to the property at the signal. He stated he was present to answer any questions.

Mayor Nelson opened the meeting to a public hearing. No one wishing to speak, he closed the public hearing.

MOTION by Commissioner Bankson, and seconded by Commissioner Nolan, to approve the Preliminary Development Plan for Fairfield Inn and Self-Storage as presented. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, and Nolan voting aye.

3. Final Development Plan – Lakeshore at Wekiva (FKA Sandpiper Road Subdivision) - Project: Beazer Homes, LLC - Location: Southeast corner of Ustler Road and Sandpiper Road

Ms. Sanchez provided a brief lead-in for the Final Development Plan, Lakeshore at Wekiva. She reviewed the previously approved plat of Sandpiper Subdivision. She advised the applicant is requesting reducing the tree preservation on Tract A on the western portion of this site to accommodate for a compensating storage area to offset flood storage. The recommendation is to approve the Lakeshore of Wekiva Subdivision revised Final Development Plan subject to Ordinance 2506 and findings of the staff report.

David Stokes, Madden, Moorhead, & Stokes, Inc., said they are the civil engineers on the project. He stated they are here unfortunately due to a mistake that was made when the plans were approved, as they did not have the compensating storage on the plans. Through the permitting and approximately four months later this compensating storage area was added to the project. He advised there was a preconstruction meeting in November and construction was started. He advised that Tract A was an open space, tree preservation, recreation, and a multi-use tract. He affirmed the compensation storage is a necessary requirement for the project which is why it was added. He stated this was the right thing to do and plans were resubmitted through staff. Staff is recommending approval and he advised there was some additional tree mitigation calculated by staff and those fees were paid.

Commissioner Bankson inquired if the sidewalk at the end of Ustler was something that needs to be finished to meet ADA requirements. He also inquired as to the chain link fence where there had been trees.

Mr. Stokes responded in the affirmative stating it would have to meet ADA requirements.

Jeremy Camp, Beazer Homes, agreed with Mr. Stokes that none of them want to be in this position of having to be here today. He said he was 100% blindsided by this and said they try to go by the book. He affirmed that he brought this back to City Council in the summer of last year to be very upfront and transparent that this would be difficult to develop the way the code required and make note that more trees would have to come out. He stated they hired an arborist making every attempt to try and save trees and do this right. He declared there was nothing behind this that was intentional and he apologized that they are here today. He advised the chain link fence will be coming down as it is to be an aluminum architectural fence. He said

there is a buffer that is approved, permitted, and ready to go that will be more decorative and fits the community as originally intended. He advised the arborist evaluated the trees when clearing the lots and trees that he deemed will survive 5-10 years remained.

Commissioner Bankson said there has been a tremendous amount of water this year and said they did come in and clear out the drainage. He expressed concern about the north side and high level.

Mr. Stokes advised the contractor brought the ditch down to slightly below the original intent and since the water level has dropped significantly. He affirmed that the water is controlled by the concrete weir at Sandpiper.

Richard Earp, City Engineer, said this system he had worked on with Orange County in the mid 90's. He advised there is a study that references the long term improvement potential for this area and this weir is part of that engineered system so that Lake McCoy has a control elevation. He advised with the ditch improvements, this is functioning as per the original design and permit.

Mayor Nelson opened the meeting to a public hearing.

Jack Cooper provided a handout and said he lives across from the development. He wanted to make sure the black chain link fence was coming down and the new fence will be down the property line. He said with regards to the tree removal they probably could have given up one or two lots and done the same thing. He pointed out a safety hazard where the weir is, stating the sidewalk is not closed and a person could fall there.

Mr. Camp advised he would talk with the contractor and have this taken care of right away. He stated he also had met with the neighbor across the street as well as several other neighbors. One neighbor provided some information and they are working with them and will put the carp fence in the way the neighbors suggested.

Mr. Cooper said he wanted to make sure all previous agreements were still in effect to which Mayor Nelson advised nothing else has changed.

John Cloran said he owns property at Ustler and Tanglewide Roads and said the sidewalk has an ADA exit on the north side heading on Sandpiper to nothing. He spoke of this being unsafe and needs to be corrected with a crossover. He also addressed the trees and suggested the city arborist evaluate.

No one else wishing to speak, Mayor Nelson closed the public hearing.

MOTION by Commissioner Becker, and seconded by Commissioner Nolan, to approve the revised Final Development Plan for Lakeshore at Wekiva. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, and Nolan voting aye.

4. Final Development Plan – Dollar General Store - Project: Lloyd Lee, Mobley Mattie Life Estate & Nathan Jerome Shaw, Sr. - Location: 51 & 57 E. Michael Gladden Blvd. and W. 9th Street

Pam Richmond, Transportation Planner, said at the last City Council meeting staff was requested to provide additional information related to the traffic impact of the Dollar General. In response, staff has had our on call traffic engineering firm, LTEC to a review of the traffic impact analysis submitted by the applicant. She said the consultant was also asked to look at improvement strategies for the intersection of Michael Gladden Boulevard and South Park Avenue. She advised that Joe Roviario from LTEC is present to go over his review of the traffic impact analysis.

Joe Roviario, Director of Transportation Planning for LTEC, said they were asked to review the traffic study that was performed for the Dollar General. He advised they followed standard procedures and used industrial standards in terms of trip generation and analysis procedures. He advised they found this study to be acceptable and identified that the existing intersection of Park Avenue and Michael Gladden was operating at a deficient level of service for the minor street during the peak hour and it would continue to operate at this level of service for the east bound traffic at the completion of the development. He said they looked at some alternatives and one option was to implement some way fare signing so as traffic was proceeding east, they would have the opportunity to make a left at the intersection and go north to US 441 or take other roadways to come across to Park Avenue. He affirmed they have been working with the City since 2001 and they did the concurrency management system. He said that reviewing the 2017 study, traffic coming up Ocoee Apopka Road is generally 6,000 daily trips and Central has about 4,000 cars north of there and about 3,000 daily trips between Central and Park Avenue.

In response to Commissioner Becker inquiring if he agreed to the point of view where the applicant stated the proposed development is not proposed to add any traffic to the deficient movement, Mr. Roviario said if he had been doing the study he would have assigned at least one car there. He stated in their analysis they did assign the pass by traffic and from that standpoint their statement was correct, stating they didn't assign primary trips being generated by the development. He discussed pass by trips and primary trips. He stated this was defined as a small box discount store due to the variety of merchandise. He declared that technically the analysis was acceptable and if adding one or two trips from their development to primary, it would not have marginally impacted the operation of the intersection.

Commissioner Becker inquired if the current east bound movement of level of service at an F rating was the worse. Mr. Roviario responded in the affirmative. Commissioner Becker said it seemed to him that they could do a better job of approving a project like this knowing it is going to contribute to an already deficient intersection.

Mayor Nelson said he would like to have city staff work with Orange County to look into a traffic light at either Michael Gladden and Park Avenue or 13th Street and Park Avenue and change the stop signs to make that street a through street to give people an option to go to the light.

Ms. Richmond said they would work with Orange County and MetroPlan asking for a corridor analysis. She said this would not only address this intersection, but other deficiencies or potential problems in the area to coordinate resolutions.

Scott Baker, Esquire, representing the applicant and developer, said they also have the traffic consultant present today. He stated he listened to the audio from the last meeting and he would like to address the hearing procedure. He said he heard a lot of discussion and testimony that had nothing to do with the quasi-judicial land-use application. He stated he heard a lot about the character of a competing retailer in the area, which they do not dispute, but feel it is irrelevant. They also received a copy of a petition submitted by the competing retailer containing maybe hundreds of signatures opposing this development. He said what he did not hear on that audio was any competent substantial evidence opposing any element of the staff report. He declared when his applicant came to the City of Apopka he had quite a few hurdles to overcome and he has done that and met his burden of complying with the comprehensive plan and the Land Development Code. The final thing he heard was some discomfort with the evidence they presented as to traffic. He heard the Commissioner direct their own staff to get another report done. He declared that that report, in all respects, confirms Mr. Abdallah's report. He said each major point Mr. Abdallah made was just confirmed by the City's own traffic consultant. He stated there has been no competent substantial evidence offered in opposition to this project. He said he would hope in going forward and for the remainder of this hearing, we get to put a fence around the legal issues at play. The character of Dollar General as a corporate citizen is not relevant, the character of a competing retailer is not relevant, and they do not dispute his high character. He stated he would like things to be kept to the evidence and he would like his client to have the opportunity to rebut any other competing evidence that might be introduced. He said the facts of the case are in the staff report and the traffic study they prepared, as well as that received from the City's own consultant. The key number in those reports is basically either a "0" or a "1" depending on whether you are looking at the pass by traffic or the new trips. They respectfully request not being required to do a right in, right out only. He asked that Council agree with their staff's recommendation to monitor the situation.

Commissioner Becker reverted back to our counsel to confirm that focusing on traffic studies and traffic reports and the data contained therein is in the purview of this hearing. He said they must look at the totality of the evidence presented and if he wants to focus in on one piece of that evidence, how he interprets it and formulates his opinion is his right as a member of this Council. He said he realizes empirical data is not relevant to the arguments, but he is looking at the evidence presented.

Mayor Nelson opened the meeting to a public hearing.

Jun Kim said he is the petitioner and he opposes the Dollar General. He stated he came here to speak to Council about the Dollar General in the community and safety of pedestrians. He said the developer from the franchise called him to schedule a meeting in November of last year and said his store would not survive with the competition if he opened a store next door. He stated Council's decision for approval will help him collapse him whether he builds his store or not. He declared many other small stores in the community will also be affected.

Phyllis Nicholson said being a native of Apopka, Park Avenue has remained the main gateway from Orlando through Apopka down to Rock Springs Road. She said with the new hospital in the area, there will be more traffic created, as well as school buses and public transportation, she felt consideration should be on hold for this and the traffic restudied. She spoke of the accidents at this intersection and suggested a traffic signal be placed in this area. She said the new businesses should consider safety first and the community wants safety measures for traffic flow.

Lloyd Lee said he purchased property on E. Michael Gladden and S. Park Avenue for the purpose to subsidize his retirement income. He stated this did not go very well as the house on Park Avenue was broken into by squatters multiple times so that he eventually consulted with the Fire Department who used it as training and the house was burned down and ended up costing him to remove the debris. He was lucky enough to get a buyer for the other property by Dollar General. He said this was a country of free enterprise and Dollar General will provide a service to the whole community.

No one else wishing to speak, Mayor Nelson closed the public hearing.

MOTION by Commissioner Nolan, and seconded by Commissioner Bankson, to approve the Final Development Plan for Dollar General Store.

Commissioner Becker said they received information that this intersection is a service level F and they will perpetuate the issue by approving this project. He stated though they were not given a recommendation, it would be prudent to have a traffic light at this intersection and this would need to be in concert with the County. He declared the City needed to do more so not to negatively impact that area from a traffic perspective.

Commissioner Bankson said as legal counsel has stated, there is a certain bar that has to be met for that decision to be made based on traffic. Even though there is going to be more traffic drawn to that area, it still has not reached that point. He said it is an intersection that needs more help and stated he had the same concerns

Mayor Nelson reiterated partnering with the County and looking to MetroPlan to support a study for that area as well as Welch Road and Rock Springs Road. Both of these areas have City/County participation.

Motion carried 3-1 with Mayor Nelson, and Commissioners Bankson and Nolan voting aye, and Commissioner Becker voting nay.

5. Final Development Plan – Greater Faith World Center, Inc., Phase 1

Project: Center of Faith Church, Inc.

Location: 700 Vick Road

Bobby Howell, Senior Planner, said this is a Final Development Plan (FDP) for a 10,669 square foot church at 700 Vick Road at the northeast corner of the intersection of Martin Road and Vick Road. He reviewed the surrounding area and pointed out to the north is Apopka High

School. The subject property is approximately 3.25 acres in size and is zoned POI. The Final Development Plan is for Phase 1 of the church. Phases 2 and 3 appear on the FDP for information and planning purposes. Both of these phases will require Final Development Plan approval. He reviewed the parking and said access to the sight is provided at full access located on Martin Street which lines up with entrance to the High School with a right in and right out on Martin Street. An additional entrance with a right in and right out is proposed on Vick Road. He reviewed the architectural drawings. The Planning Commission recommends approval and DRC recommends approval.

Pastor Hicks thanked the staff and Council for their support and work through this project.

Mayor Nelson opened the meeting to a public hearing. No one wishing to speak, he closed the public hearing.

MOTION by Commissioner Bankson, and seconded by Commissioner Nolan, to approve the Final Development Plan for Greater Faith World Center, Inc., Phase 1. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, and Nolan voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION

1. Ordinance No. 2654 –Second Reading – Change of Zoning

Project: City of Apopka

Location: 1680 South Lake Pleasant Road. The City Clerk read the title as follows:

ORDINANCE NO. 2654

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, OWNED BY THE CITY OF APOPKA; LOCATED AT 1680 S LAKE PLEASANT ROAD, AND COMPRISED OF APPROXIMATELY 4.45 ACRES; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Phil Martinez, Planner, advised there have been no changes since the first reading.

Mayor Nelson opened the meeting to a public hearing. No one wishing to speak, he closed the public hearing.

MOTION by Commissioner Nolan, and seconded by Commissioner Becker, to adopt Ordinance No. 2654. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, and Nolan voting aye.

2. Ordinance No. 2660 – Second Reading - Change of Zoning

Project: JEL Land Development, LLC (Legacy Hills)

Location: 2400 Schopke Road. The City Clerk read the title as follow:

ORDINANCE NO. 2660

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-1A (SINGLE FAMILY RESIDENTIAL) TO "CITY" PUD (PLANNED UNIT DEVELOPMENT) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF SCHOPKE LESTER ROAD AND SOUTH OF SHOPKE ROAD, COMPRISING 19.67 ACRES MORE OR LESS, AND OWNED BY JEL LAND DEVELOPMENT LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Phil Martinez, Planner, advised there have been no changes since the first reading.

Mayor Nelson opened the meeting to a public hearing. No one wishing to speak, he closed the public hearing.

MOTION by Commissioner Bankson, and seconded by Commissioner Becker, to adopt Ordinance No. 2660. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, and Nolan voting aye.

3. Ordinance No. 2661 – Second Reading – Comp Plan – Small Scale

Project: 3255 Clarcona Road LLC (aka Randall Mechanical)

Location: 3307 Clarcona Road. The City Clerk read the title as follows:

ORDINANCE 2661

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM AGRICULTURE (1 DU/ 5 AC) TO INDUSTRIAL (MAX F.A.R. 0.60) FOR CERTAIN REAL PROPERTY LOCATED EAST OF CLARCONA ROAD AND NORTH OF STONE ROAD, COMPRISING 4.75 ACRES MORE OR LESS, AND OWNED BY 3255 CLARCONA ROAD LLC; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Martinez advised there have been no changes since the first reading.

Mayor Nelson opened the meeting to a public hearing. No one wishing to speak, he closed the public hearing.

MOTION by Commissioner Nolan, and seconded by Commissioner Becker, to adopt Ordinance No. 2661. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, and Nolan voting aye.

4. Ordinance No. 2662 – Second Reading – Change of Zoning.

Project: 3255 Clarcona Road LLC (aka Randall Mechanical)

Location: 3307 Clarcona Road. The City Clerk read the title as follows:

ORDINANCE 2662

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM AGRICULTURE TO I-1 (RESTRICTED INDUSTRIAL DISTRICT) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF CLARCONA ROAD AND NORTH OF STONE ROAD, COMPRISING 4.75 ACRES MORE OR LESS, AND OWNED BY 3255 CLARCONA ROAD LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mr. Martinez said there have been no changes since the first reading.

Mayor Nelson opened the meeting to a public hearing. No one wishing to speak, he closed the public hearing.

MOTION by Commissioner Becker, and seconded by Commissioner Bankson, to adopt Ordinance No. 2662. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, and Nolan voting aye.

5. Ordinance No. 2663 – Second Reading – Change of Zoning

Project: SunTrust Bank

Location: 936 East Semoran Boulevard. The City Clerk read the title as follows:

ORDINANCE 2663

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM C-2 (GENERAL COMMERCIAL DISTRICT) TO C-1 (COMMERCIAL RETAIL DISTRICT) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF EAST SEMORAN BOULEVARD AND EAST OF SHEELER AVENUE, COMPRISING 0.49 ACRES MORE OR LESS, AND OWNED BY SUNTRUST BANK; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mr. Martinez said there have been no changes since the first reading.

Mayor Nelson opened the meeting to a public hearing. No one wishing to speak, he closed the public hearing.

MOTION by Commissioner Nolan, and seconded by Commissioner Bankson, to adopt Ordinance No. 2663. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, and Nolan voting aye.

6. **Ordinance No. 2666 – First Reading – Change of Zoning – Kelly Park Road Publix Center - Project: JD and Kathleen L Horne Trust - Location: 4966 Plymouth-Sorrento Road.** The City Clerk read the title as follows:

ORDINANCE NO. 2666

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 (PD/ZIP) TO “CITY” KELLY PARK INTERCHANGE MIXED-USE (KPI-MU), AND ASSIGNING A KELLY PARK CROSSING INTERCHANGE AND VILLAGE CENTER OVERLAY DISTRICTS, FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF STATE ROAD 429 ON THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST KELLY PARK ROAD AND PLYMOUTH-SORRENTO ROAD, COMPRISING 18.13 ACRES MORE OR LESS, AND OWNED BY JD AND KATHLEEN L HORNE TRUST; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

David Moon, Planning Manager, said this application was reviewed by the Council for change of zoning at the July 18, 2018, meeting and accepted at first reading, and scheduled the second reading for today. A Development Agreement is part of the application. He advised Council was being recommended to take three separate actions based on quasi-judicial proceedings, first to adopt Ordinance No. 2666 establishing the zoning and overlay districts. The second action is to approve the Master Plan and Preliminary Development Plan. The third action is to approve the Development Agreement. He advised the presentation was made on the zoning, as well as the Master Plan at the July 18, 2018, Council meeting. He explained the purpose of the Development Agreement which is to set forth on a contractual basis the obligations of the developer of the proposed site, as well as any obligations the City may have. He advised the criteria is outlined in the staff report and reviewed the Development Agreement. Staff recommendation is to support the Development Agreement and the proposed actions.

Kathy Hattaway, representing the applicant, said they are available for any questions.

Mayor Nelson opened the meeting to a public hearing. No one wishing to speak, he closed the public hearing.

MOTION by Commissioner Nolan, and seconded by Commissioner Bankson, to adopt Ordinance No. 2666. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, and Nolan voting aye.

MOTION by Commissioner Nolan, and seconded by Commissioner Becker, to approve the Master Plan/Preliminary Development Plan. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Nolan, and Smith voting aye.

MOTION by Commissioner Nolan, and seconded by Commissioner Bankson, to approve the Development Agreement. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, and Nolan voting aye.

- 7. Ordinance No. 2667 – Second Reading – Change of Zoning/PUD Master Plan/Preliminary Development Plan – Project: Vista Reserve**
Location: On the east side of Rogers Road, approximately ½ mile north of the intersection of Rogers Road and Lester Road. The City Clerk read the title as follows:

ORDINANCE NO. 2667

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM RESIDENTIAL SINGLE-FAMILY DISTRICT (R-1AA) TO PLANNED UNIT DEVELOPMENT (PUD), FOR CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF ROGERS ROAD, APPROXIMATELY ONE-HALF MILE NORTH OF THE INTERSECTION OF ROGERS ROAD AND LESTER ROAD, COMPRISING 61.1 ACRES MORE OR LESS, AND OWNED BY MIKHAIL WAFEE, ABDELSAYED GEORGE, ABDELSAYED LUCY, AND ABDELSAYED WAFEEK; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mr. Howell advised there have been no changes since the first reading.

Mayor Nelson opened the meeting to a public hearing. No one wishing to speak, he closed the public hearing.

MOTION by Commissioner Becker, and seconded by Commissioner Bankson, to adopt Ordinance No. 2667. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, and Nolan voting aye.

- 8. Ordinance No. 2668 – Second Reading – Amending Ordinance No. 2345.**
Project: Orange Blossom Apopka RV Resort Inc., c/o Robert Vesely.
Location: 3800 W. Orange Blossom Trail. The City Clerk read the title as follows:

ORDINANCE NO. 2668

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING ORDINANCE 2345, WHICH AMENDS THE ADOPTED “KOA CAMPGROUND PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN” FOR CERTAIN REAL PROPERTY LOCATED AT 3800 WEST

ORANGE BLOSSOM TRAIL, COMPRISING 10.2 ACRES MORE OR LESS; OWNED BY ORANGE BLOSSOM APOPKA RV RESORT INC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mr. Martinez presented the project advising there had been no changes since the first reading.

Mayor Nelson opened the meeting to a public hearing. No one wishing to speak, he closed the public hearing.

MOTION by Commissioner Nolan, and seconded by Commissioner Becker, to adopt Ordinance No. 2668. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, and Nolan voting aye.

9. **Ordinance No. 2669 – First Reading – Bear Management Program & Containers.** The City Clerk read the title as follows:

ORDINANCE NO. 2669

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING CHAPTER 66 “SOLID WASTE” OF THE CODE OF ORDINANCES OF THE CITY OF APOPKA, BY AMENDING ARTICLE II, DIVISION 1, SECTION 66-36 “DEFINITIONS;” SECTION 66-37 “AUTHORITY OF PUBLIC SERVICES DIRECTOR;” SECTION 66-40 “SPECIAL COLLECTION PROBLEMS;” SECTION 66-65 “PREPARATION OF MATERIALS FOR COLLECTION;” SECTION 66-66 “PLACEMENT OF MATERIALS FOR COLLECTION;” SECTION 66-68 “FEE SCHEDULE – RESIDENTIAL;” AND SECTION 66-90 “PREPARATION OF MATERIALS FOR COLLECTIONS;” AND; PROVIDING DEFINITIONS; PROVIDING FOR APPLICABILITY; PROVIDING FOR A BEAR MANAGEMENT AREA; PROVIDING FOR ENFORCEMENT AND FINES; PROVIDING FOR PENALTIES; PROVIDING FOR CONFLICT, SEVERABILITY; AND AN EFFECTIVE DATE.

Jay Davoll, Public Services Director, said this ordinance is to update our solid waste ordinance for the possibility of providing bear carts. He reviewed a map of the area listed in the ordinance. He advised the City has applied for a grant to help support the purchase of these carts. All policies will be put in place if we receive the grant. He advised there is a better opportunity of being approved for the grant with the changes to the ordinance in place.

Mayor Nelson advised he had distributed some background information regarding the grant.

In response to Commissioner Bankson, Mr. Davoll advised if a resident is not in the area, they can obtain a bear cart, but the cart will cost more out of the designated area.

Mayor Nelson opened the meeting to a public hearing. No one wishing to speak, he closed the public hearing.

MOTION by Commissioner Nolan, and seconded by Commissioner Becker, to approve Ordinance No. 2669 at first reading and hold it over for a second reading. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, and Nolan voting aye.

10. Resolution 2018-10 - FY17/18 Budget Amendment. The City Clerk read the title as follows:

RESOLUTION NO. 2018-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017 AND ENDING SEPTEMBER 30, 2018, PROVIDING FOR A BUDGET AMENDMENT

Jamie Roberson, Finance Director, reviewed the budget amendment in detail. The request is to approve Resolution No. 2018-12, amending the budget for FY 17/18.

Mayor Nelson opened the meeting to a public hearing. No one wishing to speak, he closed the public hearing.

MOTION by Commissioner Bankson, and seconded by Commissioner Becker, to approve Resolution No. 2018-12. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, and Nolan voting aye.

CITY COUNCIL REPORTS

Commissioner Nolan said the Florida League of Cities conference is coming up and she asked the Commissioners to bring back any comments on the items being voted on to the next meeting that they would like her to make representation on behalf of the City.

Commissioner Bankson requested Code Enforcement look into the area of the Circle K at Sandpiper. In addition, Mayor Nelson suggested they also look at the one across from the UCF Incubator.

MAYOR'S REPORT

Mayor Nelson advised that Bob Ryan was interested in serving on the Planning Commission. He asked Council to ratify his appointment.

MOTION by Commissioner Nolan, and seconded by Commissioner Bankson, to ratify the appointment of Bob Ryan to the Planning Commission. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, and Nolan voting aye.

ADJOURNMENT – There being no further business the meeting adjourned at 3:47 p.m.

_____/s/_____
Bryan Nelson, Mayor

ATTEST;

_____/s/_____
Linda F. Goff, City Clerk